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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

SIPA LIQUIDATION

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 10-04415 (SMB)

Plaintiff,

v.

ESTATE OF BARBARA BERDON; SHARON
KRISTOL, in her capacity as executor of the Estate
of Barbara Berdon; and ALLISON BERWITZ, in
her capacity as executor of the Estate of Barbara
Berdon,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and the Estate of Barbara Berdon, Sharon Kristol, in her capacity as executor of the Estate of Barbara Berdon, and Allison Berwitz, in her capacity as executor of the Estate of Barbara Berdon (“Defendants”), by and through their counsel, Arthur Ruegger and Carole Neville, Dentons US LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed and served the Complaint against Barbara J. Berdon.
2. On August 17, 2015, Defendant Barbara J. Berdon filed and served her Answer to the Complaint.
3. On June 11, 2016, Barbara J. Berdon died.
4. On December 16, 2016, a Stipulation and Order for Substitution of Defendant was filed, substituting the Estate of Barbara Berdon, Sharon Kristol, in her capacity as executor of the Estate of Barbara Berdon, and Allison Berwitz, in her capacity as executor of the Estate of Barbara Berdon for the decedent, Barbara J. Berdon.
5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181], the Parties entered into a Settlement Agreement and Release on June 8, 2020.

6. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to dismiss the Trustee's claims against Defendants in the above-captioned adversary proceeding and to dismiss the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default under the terms of the Settlement Agreement.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. The Bankruptcy Court shall retain jurisdiction over this Stipulation.

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Date: June 12, 2020
New York, New York

BAKER & HOSTETLER LLP

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Attorneys for Defendants

Dated: June 12, 2020
New York, New York

/s/ STUART M. BERNSTEIN
Hon. Stuart M. Bernstein
United States Bankruptcy Judge